

REMARKS

Claims 1-8 have been canceled. Claims 9-14 are in this application.

Claims 8-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Nitta et al. (5,381,275). Claims 8-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Shikakura (5,594,598).

Independent claim 9 recites in part as follows:

“detecting a **continuous recordable area of at least a predetermined size** on said recording medium; said predetermined size being determined on the basis of the length of time for which the variable bit-rate data can be reproduced at a maximum bit-rate without an interruption.” (Emphasis ours.)

Accordingly, in accordance with the method of claim 1, a **continuous** area of a recording medium may be detected which has a size capable of having the variable bit rate data recorded therein **without interruption**. As such, the continuous area would be large enough to record **all** of the data therein in a continuous manner without interruption. In other words, if the variable bit rate data included portions 1, 2, 3 (in that order), then the continuous area would need to be large enough to hold all of the portions 1,2,3 (in that order) without any interruptions therebetween. As a result, if the recording medium only included a first area and a second area (disconnected from the first area) wherein the first area has a size capable of recording only portions 1,2 and the second area has a size capable of recording portion 3, the recording medium would not have a “continuous recordable area” as set forth in claim 9.

It is respectfully submitted that neither the portions of Nitta relied upon by the Examiner to disclose the above feature (hereinafter, merely “Nitta”) nor the portions of Shikakura relied upon by the Examiner to disclose the above feature (hereinafter, merely “Shikakura”) appear to specifically disclose the above-identified features of claim 9.

Accordingly, claim 9 is believed to be distinguished from either Nitta or Shikakura. For similar reasons, claims 10-14 are also believed to be distinguished from either Nitta or Shikakura.

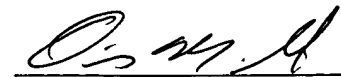
In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid
Reg. No. 34,930
(212) 588-0800